

1 Cristina C. Arguedas (CalBN 87787)
2 Email: arguedas@achlaw.com
3 Ted W. Cassman (CalBN 98932)
4 Email: cassman@achlaw.com
5 Raphael M. Goldman (CalBN 229261)
6 Email: goldman@achlaw.com
7 ARGUEDAS, CASSMAN & HEADLEY LLP
8 803 Hearst Avenue
9 Berkeley, CA 94710
10 Telephone: (510) 845-3000
11 Facsimile: (510) 845-3003
12
13 *Counsel for Jeffrey Wertkin*
14

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**
15
16
17

18 UNITED STATES OF AMERICA,) No. 17-MJ-70131 (LB)
19)
20 Plaintiff,) **STIPULATION AND ~~PROPOSED~~**
21) **ORDER CONTINUING**
22 v.) **PRELIMINARY HEARING**
23 JEFFREY WERTKIN,)
24)
25 Defendant.)
26)
27)
28)

Jeffrey Wertkin and the United States Attorney's Office for the Northern District of California, by and through their respective undersigned counsel, hereby stipulate and agree as follows:

The date for preliminary hearing or arraignment in this matter is presently set for October 4, 2017.

The government and counsel for the defense are presently engaged in productive discussions concerning the disposition of this matter, but the discussions are ongoing. Counsel for the defense believes that additional time is needed to review the evidence that the government has produced in discovery, evaluate the case and conduct discussions with the government.

Taking into account the public interest in the prompt disposition of criminal cases, there is good cause to extent the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 from October 4, 2017 to October 25, 2017.

A failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and under the circumstances the ends of justice served by a reasonable continuance outweigh the best interest of the public and the defendant in a speedy trial.

The defendant consents to the setting of the preliminary hearing on October 25, 2017, as well as an exclusion of time under the Speedy Trial Act from October 4, 2017 to October 25, 2017.

The parties therefore stipulate and agree that the date for preliminary hearing or arraignment should be continued from October 4, 2017 to October 25, 2017 at 9:30 a.m. under the Federal Rule of Criminal Procedure 5.1(d) and 18 U.S.C. § 3060 and that time be excluded under the Speedy Trial Act between October 4, 2017 and October 25, 2017, under 18 U.S.C. § 3161(h)(7)(B)(iv).

//

1 SO STIPULATED:

2 Dated: September 25, 2017

BRIAN J. STRETCH
United States Attorney

4 By: _____/s/
Robin Harris
Assistant United States Attorney

7 Dated: September 25, 2017

By: _____/s/
Raphael M. Goldman
ARGUEDAS, CASSMAN & HEADLEY, LLP
Counsel for Jeffrey Wertkin

12 **~~PROPOSED~~ ORDER**

14 Pursuant to the parties' stipulation, the Court HEREBY ORDERS that the
15 preliminary hearing in this matter is re-set from October 4, 2017 to October 25, 2017 at
16 9:30 a.m. The Court finds that good cause is shown for extending the time limits set
17 forth in Federal Rule of Criminal Procedure 5.1(c), and, further, concludes that the
18 extension is proper under Rule 5.1(d) and Title 18, United States Codes, Sections
19 3060 and 3161.

20 The Court finds the failure to grant the requested extension would deny counsel
21 the reasonable time necessary for effective preparation, taking into account the
22 exercise of due diligence. The Court finds that the ends of justice served by granting
23 the requested extension outweigh the best interests of the public and the defendant in
24 a speedy trial and in the prompt disposition of criminal cases. The Court also
25 concludes that an exclusion of time from October 4, 2017 through and including
26 October 25, 2017 should be made under Title 18, United States Code, Sections
27 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The Court also finds that the ends of justice

28 **STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING PRELIMINARY HEARING**
United States v. Jeffrey Wertkin, No. 17-MJ-70131 (LB) 3

1 served by excluding the period from October 4, 2017 to October 25, 2017, outweigh
2 the best interest of the public and the defendant in a speedy trial. *Id.* § 3161(h)(7)(A).

3 IT IS SO ORDERED.

4
5 Dated: September 25, 2017

6 By: 
7 The Honorable Laurel Beeler
8 United States Magistrate Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28